REMARKS

In the Office Action mailed March 10, 2008 the Office noted that claims 19-36 were pending and rejected claims 19-36. Claims 19, 23, 24, 29, 33 and 34 have been amended, claims 21, 22, 31 and 32 have been canceled, claim 37 has been added, and, thus, in view of the foregoing claims 19, 20, 23-30 and 33-37 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 19-36 stand rejected under 35 U.S.C. § 103(a) as being obvious over Nag, U.S. Patent No. 7,013,338 in view of Patel, U.S. Patent No. 6,850,764. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Nag discusses a means for multiplexing application flows over a pre-allocated bandwidth reservation protocol session.

Patel discusses a communications network that includes a plurality of geo-location areas and to estimate bandwidth parameters for a geo-location based on the data received.

Nag does not discuss allocating aggregated resources by reserving them in advance. Further once a resource has been allocated in Nag, they are not further adjusted. However, as

discussed in the claims and Specification, by reserving the aggregated resources in advance (e.g. the current hour has 4 aggregate units reserved and the next hour will have 6 aggregate units reserved and the hour after that will have 2 aggregate units and so on) one can assure service availability in advance with a pre-defined probability. Thus, no automatic signaling or acquiring of resources is needed to handle the varying needs for the greater part of sessions, i.e. the variation of the pre-allocated aggregated resources is negotiated and decided on in advance.

However, in Nag any adjustment to the current level must be signaled to the peering resource manager just in time at the change and no guarantees are made in-advance. Thus, in Nag, client sessions that have a starting time in the future can not be requested and accepted, without additional signaling.

In order to handle sporadic peak usage a separate algorithm must be combined to handle unexpected dynamics and this algorithm does not work on aggregated resources as discussed in the Specification and thus signaling is needed to handle each session not covered by the pre-allocated resources reserved by the first algorithm. The separation of the two algorithms is an important aspect of our invention as discussed in the Specification and claims giving the possibility to set up the base allocation with the first algorithm on a much longer time scale than that of the second algorithm.

To emphasize these differences, the Applicants have amended the claims. The features of claims 21 and 22 have been added to claim 19.

On page 3 of the Office Action, it is asserted that Nag, col. 10, lines 50-63 disclose "said individually allocated network resources is allocated per reservation occasion," as in claim 21.

However, claim 1 recites two cases where individually allocated network resources are allocated. These are "based on usage history statistics" and "if applicable usage history statistics is not available."

Nag, col. 10, lines 50-62, instead, discusses "if there are insufficient resources to accommodate the application session establishment request." (col. 10, lines 55-57) Thus, Nag discusses a case of insufficient resources where a request may not be able to be responded to. Whereas the instant claim the resource is still allocated, it just may not be the best resource based on historical statistics. Thus, Nag does not disclose "allocating (801) at a first resource manager reserved network resources … in advance before a session, that will use said resources, has started based on usage history statistics if available usage history statistics is applicable to said network resource reservation request, allocating (802) network resources individually for said requested network resource reservation if applicable usage history statistics is not available, and ….

wherein said individually allocated network resources is allocated per reservation occasion," as in amended claim 1. The Office does not assert and the Applicants have not found that Patel discloses such a feature.

On page 4 of the Office Action, it is asserted that Nag, col. 2, lines 59 through col. 4, line 30 discloses "allocated reserved network resources is allocated based on usage history statistics per destination."

However, col. 3, lines 59 through col. 4, line 7 states

Apparatus and methods are described for multiplexing application flows over a pre-allocated bandwidth reservation protocol session. Broadly stated, embodiments of the present invention seek to provide a scalable architecture that enables efficient provisioning of reserved bandwidth for multiple application flows by multiplexing individual application flows over a pre-allocated reservation protocol session. The **pre-allocated reservation protocol session preferably takes into consideration current network resources and estimated usage of network resources, such as bandwidth, based upon historical data.** For example, the amount of pre-allocated resources may vary due to different loads being offered at **different times of day and/or day of week.** Additionally, the pre-allocated reservation protocol session may be dynamically adjusted to account for actual usage that surpasses the estimated usage or actual usage that falls below the estimated usage. [Emphasis added]

Thus, the Applicants acknowledge that Nag does discuss using historical data for network bandwidth. However, it does not discuss or imply that it is for a particular destination. The cited text implies that it considers the entire network, not any particular resource. The Office does not assert and the Applicants have not found that Patel discloses such a feature.

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Claim 29 has been amended in a manner consistent with the amendment of claim 19. For at least the reasons discussed above, Nag and Patel, taken separately or in combination, fail to render obvious the features of claims 19 and 29 and the claims dependent therefrom.

On page 4 of the Office Action, it is asserted that Nag, col. 3, line 58 through col. 4 line 3 disclose "the time interval between each occasion, which network resources are allocated based on usage history statistics, may either be equal for all destinations or differ between the destinations." As argued above, the Applicant acknowledges that Nag discusses the use of historical data.

However, NAG is silent as to whether the time interval is equal for all destinations or different based on the historical statistics.

Withdrawal of the rejections is respectfully requested.

NEW CLAIM

Claim 37 is new. Support for claim 37 may be found, for example, in claim 19 and on page 13 first full paragraph of the Specification. The Applicants submit that no new matter has been added. The prior art fails to disclose a computer program stored on a computer readable storage medium executing the method of claim 19.
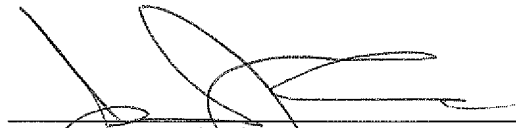
SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 19, 20, 23-30 and 33-37 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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